

Ms Lucinda Creighton T.D.  
Minister for State for Responsibility  
For European Affairs  
Department of Foreign Affairs and Trade  
80 St Stephen's Green  
Dublin 2

28<sup>th</sup> March 2012

**Re: Moriarty Tribunal of Inquiry / Global Irish Economic Forum**

Dear Minister Creighton,

I am writing to you following your comments regarding my attendance at a recent Global Irish Economic Forum – comments which were widely published today in the media.

I want to be absolutely clear with you on my position with respect to the Moriarty Tribunal. I did not make any payment to Mr Michael Lowry T.D. Esat Digifone won the second mobile phone licence competition process because it submitted the best bid. Esat deserved to win. Not even the Tribunal has challenged that fundamental point.

Furthermore, it is an irrefutable fact that not a single person that was involved in the licence competition process gave any evidence of any interference in the process by the then Minister, Michael Lowry. Evidence was given by 17 senior and respected civil servants. Not one of them gave evidence that Michael Lowry interfered in the process or influenced the outcome.

In addition, not a single person gave evidence before the Tribunal that I made any payment to Michael Lowry. Those are the facts.

Regrettably and wrongly, Tribunals do not have to burden themselves with facts at all. It is those facts about the actual sworn evidence given to the Tribunal which are, as you put it, "brushed under the carpet".


Tribunals such as the Moriarty Tribunal publish "opinions" only. These opinions are completely devoid of legal effect and cannot be used in civil or criminal proceedings. There is very good reason for this – because the Courts in Ireland recognise that Tribunals do not follow rules of evidence and do not follow the standard procedures utilised in our Courts. A Tribunal's opinions are inherently unsound in law. Tribunals are not even part of the administration of justice in Ireland. This latter statement is ironic however; particularly when one considers the sort of summary justice you and others see fit to dispense in terms of my personal and professional reputation.

Tribunals can destroy people's reputations without providing even a modicum of protection to those individuals. To my mind, Tribunals constitute a gross violation of a person's constitutional and civil rights. They are part of what the Supreme Court has described as a gross "coarsening of legal standards" in Ireland. I should not have to explain all of this to you of course. I have no doubt but that you are fully aware of the constitutional right to one's good name and reputation.

I have noted your comments and what you have to say about the undesirability of my presence or input into events seeking to promote economic regeneration in Ireland. I reject what you say completely. I must also assume my recent investment in Siteserv in Ireland (by way of example) in which 2,300 jobs were secured also "makes you uncomfortable".

Perhaps the fact that I provide solid and sustainable employment for thousands of Irish people (without the need for IDA or Enterprise Ireland grants) also troubles you. I note what you say about it being important "not to turn your back" on my contribution.

Yours faithfully,

  
Denis O'Brien